

ZARIN & STEINMETZ
ATTORNEYS AT LAW
81 MAIN STREET
SUITE 415
WHITE PLAINS, NEW YORK 10601

DAVID S. STEINMETZ*
MICHAEL D. ZARIN
DANIEL M. RICHMOND
BRAD K. SCHWARTZ

TELEPHONE: (914) 682-7800
FACSIMILE: (914) 683-5490
WEBSITE: WWW.ZARIN-STEINMETZ.NET

DAVID J. COOPER
JODY T. CROSS°
JEREMY E. KOZIN
KRISTA E. YACOVONE

* ALSO ADMITTED IN D.C.
° ALSO ADMITTED IN CT
△ ALSO ADMITTED IN NJ

November 26, 2013

MARSHA RUBIN GOLDSTEIN
HELEN COLLIER MAUCH[△]
LISA F. SMITH°
OF COUNSEL

Via Hand Delivery and Electronic Mail

Hon. Brian Smith, Mayor
Village of Irvington
85 Main Street
Irvington, New York 10533

Re: *Monte Nido & Affiliates*
Notice Pursuant to New York State Mental Hygiene Law Section
41.34 (the "Padavan Law")
100 South Broadway, Irvington, New York (the "Site")

Dear Mayor Smith:

We represent Monte Nido & Affiliates ("Monte Nido" or the "Sponsoring Agency"), a provider of eating disorder treatment programs (i.e., anorexia, bulimia, binge eating, and exercise disorders) for adults aged eighteen (18) and over.

We respectfully submit this Notice pursuant to New York Mental Hygiene Law Section 41.34(c)(1), otherwise known as the Padavan Law, to advise you that Monte Nido intends to operate a Community Residential Facility for the Disabled on the above-referenced Site. In sum, under the Padavan Law, such community residential facilities are exempt from local zoning. Monte Nido is currently in contract to acquire the Site, which contains approximately 10.5 acres, and is improved with an approximately 10,000 square foot residence. The proposed community residence would operate within the existing structures on the Site.

The community residence would be licensed by the Office of Mental Health, and would provide housing, supervision and a residential treatment program for fourteen (14) adult individuals with eating disorders. Monte Nido's community support requirements would be, as follows:

- Monte Nido's usage of municipal services, such as police, fire and paramedics should be no greater than any other residence in the community.

- Monte Nido intends to have its residents frequent local restaurants, retailers and stores, some of which may be located within the Village.

Lastly, the Padavan Law requires that Monte Nido notify you of the most recently published data regarding other Community Residential Facilities (as that term is defined in New York Social Services Law Section 463 (1)) in the surrounding area, so that you can reasonably "evaluate all such facilities affecting the nature and character of the area wherein such proposed facility is to be located." See New York Mental Hygiene Law § 41.34(c)(1). Monte Nido has identified the following Community Residential Facilities within the surrounding area of the Site:

- The Children's Village- Dobbs Ferry (at-risk youth)
- Institute of Applied Human Dynamics- Elmsford (developmental disabilities)
- St. Christopher's- Dobbs Ferry (emotional, behavioral and learning disabled teens)
- Search for Change (Wyndover Woods)- Greenburgh (transition housing for men with mental health/substance abuse issues)

It is Monte Nido's position that locating this residential facility within the Village of Irvington is lawful, appropriate, will not create any overconcentration, and actually will be of benefit to the Village and the surrounding area.

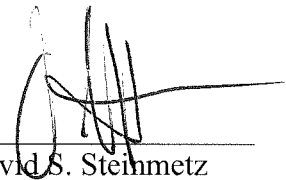
Monte Nido looks forward to working together with the Village in a cooperative fashion with respect to the siting of this proposed community residence at the Site under the Padavan Law. In addition, I have already spoken with the Village Attorney about tentatively scheduling the public hearing for December 16, 2013.

Enclosed, additionally, please find a \$3,000 check that is to be placed in escrow pursuant to Chapter 160 (Professional Fees) of the Village Code. Please do not hesitate to contact us, or have the Village Attorney contact us, to discuss this matter. Thank you for your attention.

Respectfully Submitted,

ZARIN & STEINMETZ

By: _____


David S. Steinmetz
Jeremy E. Kozin

cc: Bruce Martin and Carolyn Costin, Monte Nido
Tin Kin Lee, Esq., Monte Nido
Chris Costin, Esq., Monte Nido
Marianne Stecich, Esq., Village Attorney
Larry Schopfer, Village Manager

Hon. Brian Smith
November 26, 2013
Page 3

Edward Marron, Village Building Inspector
Frank Barr, New York State OMH